

BTXN 138 (rev 10/02)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

FILED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FEB 1 2006

2006 JAN 26 AM 9:42

In Re:
Mirant Corporation

Mirant Corporation et al.

vs.
The Southern Company

The Southern Company

vs.
Mirant Corporation

Debtor(s)

Plaintiff(s)

Defendant(s)

Movant(s)

Respondent(s)

Case No.: 03-46590-dml11

Chapter No.: 11

Adversary No.: 05-04099-dml

Civil Case No.: 4-05Cv-479-A

NOTICE OF TRANSMITTAL REGARDING WITHDRAWAL OF REFERENCE

I am transmitting:

- ☐ Two copies of the Motion to Withdraw Reference (USDC Civil Action No. – DNC Case)
NOTE : A Status Conference has been set for at , in before U.S. Bankruptcy Judge .
The movant, respondents or other affected parties are required to attend the Status Conference.
- ☒ Two copies of: Bankruptcy Court Record

TO ALL ATTORNEYS: F.R.C.P. 5011(a) A motion for withdrawal of a case or proceeding shall be heard by a district judge, [*implied*] that any responses or related papers be filed likewise.

DATED: 1/25/06

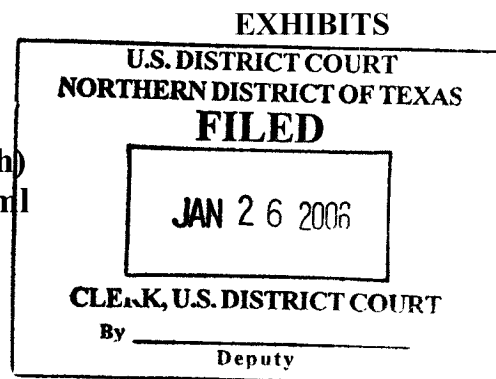
FOR THE COURT:
Tawana C. Marshall, Clerk of Court

by: /s/J Hunsuckle, Deputy Clerk

True copy of the original thereof made in my office this the 25 day of January 2006 at Ft. Worth Texas
Tawana C. Marshall, Clerk
United States Bankruptcy Court
Northern District of Texas
by Judy Hunsuckle Deputy

**U.S. Bankruptcy Court
Northern District of Texas (Ft. Worth)
Adversary Proceeding #: 05-04099-dml
Internal Use Only**

*Assigned to: D. Michael Lynn
Related BK Case: 03-46590
Related BK Title: Mirant Corporation
Demand: \$1000
Nature of Suit: 454*



Date Filed: 06/16/05

4 - 0 5 C V - 4 7 9 - A

Plaintiff

Mirant Corporation
1155 Perimeter Center West
Atlanta, GA 30338
Tax id: 58-2056305

represented by **Ian T. Peck**
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**Official Committee of Unsecured
Creditors of Mirant Corporation**

represented by **Jason S. Brookner**
Andrews Kurth LLP
1717 Main St., Suite 3700

any party who has filed a
motion for summary judgment in
this case is a party to the
motion for summary judgment in
this case. The motion for summary
judgment is a motion for summary
judgment in this case. The motion
for summary judgment is a motion
for summary judgment in this case.
2006 at Ft. Worth, Texas
Tawana C. Marshall, Clerk
United States Bankruptcy Court
Northern District of Texas
By Judy Hunsuckle Deputy

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MC Asset Recovery, LLC

represented by **Jason S. Brookner**
(See above for address)

V.

Defendant

The Southern Company

represented by **Daniel P. Winikka**
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Filing Date	Docket Text
06/16/2005	● <u>1</u> 454 (Recover Money/Property): Complaint by Mirant Corporation, Official Committee of Unsecured Creditors of Mirant Corporation against The Southern Company. Fee Amount \$150 (Attachments: # <u>1</u> Adversary Proceeding Cover Sheet) (Phelan, Robin)
06/16/2005	Receipt of filing fee for Complaint(05-04099-dml) [cmp,cmp] (150.00). Receipt number 4080419, amount \$ 150.00. (U.S. Treasury)
06/17/2005	● <u>2</u> Summons issued on The Southern Company Answer Due 7/18/2005 (Jordan, D)
06/17/2005	● <u>3</u> Scheduling order setting deadlines. Discovery and all exhibits except impeachment documents: 30 days prior, pre-trial order: 7 calendar days prior, proposed findings of fact and conclusions of law: 3 days prior to first scheduled docket call. Entered on 6/17/2005 (RE: related document(s) <u>1</u> Complaint filed by Plaintiff Mirant Corporation, Plaintiff Official Committee of Unsecured Creditors of Mirant Corporation). Trial Docket Call date set for 10/26/2005 at 10:30 AM at Ft. Worth, Judge Lynn's Ctrm.. (Jordan, D)
06/17/2005	● <u>4</u> Summons service executed on The Southern Company 6/17/2005 (Phelan, Robin)
07/06/2005	● <u>5</u> Amended complaint by Robin Eric Phelan on behalf of Mirant Corporation, Official Committee of Unsecured Creditors of Mirant Corporation against The Southern Company. (RE: related document(s) <u>1</u> 454 (Recover Money/Property): Complaint by Mirant Corporation, Official Committee of Unsecured Creditors of Mirant Corporation against The Southern Company. Fee Amount \$150 (Attachments: # (1) Adversary Proceeding Cover Sheet) (Phelan, Robin) filed by Plaintiff Mirant Corporation, Plaintiff Official Committee of Unsecured Creditors of Mirant Corporation). (Phelan, Robin)
07/11/2005	● <u>6</u> Notice of Appearance and Request for Notice by Hirtzan Joseph Acosta filed by Defendant The Southern Company. (Acosta, Hirtzan)
07/11/2005	● <u>7</u> Affidavit by Diane Streany of Mailing by Bankruptcy Services, LLC filed by Plaintiffs Mirant Corporation, Official Committee of Unsecured Creditors of Mirant Corporation (RE: related document(s) <u>5</u> Amended complaint,,). (Elkin, Judith)
07/15/2005	● <u>8</u> Stipulation by The Southern Company and Plaintiffs Mirant Corporation, et al., Regarding Extension of Time to Respond to Complaint. filed by Defendant The Southern Company (RE: related document(s) <u>5</u> Amended complaint,,). (Acosta, Hirtzan)
07/26/2005	● <u>9</u> Motion for withdrawal of reference of the Adversary Proceeding and

	<i>Memorandum of Law in Support Thereof</i> Fee Amount \$150 filed by Defendant The Southern Company (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E) (Jud, Robert)
07/26/2005	Receipt of filing fee for Motion for withdrawal of reference(05-04099-dml) [motion,mwdref] (150.00). Receipt number 4255744, amount \$ 150.00. (U.S. Treasury)
07/26/2005	● <u>10</u> Notice of hearing filed by Defendant The Southern Company (RE: related document(s) <u>9</u> Motion for withdrawal of reference <i>of the Adversary Proceeding and Memorandum of Law in Support Thereof</i> Fee Amount \$150 filed by Defendant The Southern Company (Attachments: # (1) Exhibit A# (2) Exhibit B# (3) Exhibit C# (4) Exhibit D# (5) Exhibit E) (Jud, Robert)). Status Conference to be held on 8/24/2005 at 10:30 AM at Ft. Worth, Judge Lynn's Ctrm. (Jud, Robert) Modified to correct hearing date on 7/27/2005 (Maldino, Mark).
07/28/2005	<u>11</u> Forms (misc) (Hunsuckle, J)
07/28/2005	● <u>12</u> Notice of transmission of motion to withdraw reference re: Civil Case #4-05CV-479-A (related document(s) <u>9</u>) (Hunsuckle, J)
07/30/2005	● <u>13</u> BNC certificate of mailing - PDF document. (RE: related document(s) <u>12</u> Notice of transmission of motion to withdraw reference) No. of Notices: 4. Service Date 07/30/2005. (Admin.)
08/08/2005	● <u>14</u> Notice of Filing in the District Court of a Motion to Transfer to the United States District Court for the Northern District of Georgia and a Motion to Consolidate filed by Defendant The Southern Company. (Attachments: # <u>1</u> Exhibit A - Part 1# <u>2</u> Exhibit A - Part 2# <u>3</u> Exhibit A - Part 3# <u>4</u> Exhibit A - Part 4# <u>5</u> Exhibit A - Part 5# <u>6</u> Exhibit A - Part 6# <u>7</u> Exhibit A - Part 7# <u>8</u> Exhibit A - Part 8# <u>9</u> Exhibit A - Part 9# <u>10</u> Exhibit B - Part 1# <u>11</u> Exhibit B - Part 3# <u>12</u> Exhibit B - Part 3)(Jud, Robert)
08/15/2005	● <u>15</u> Objection to (related document(s): <u>9</u> Motion for withdrawal of reference of <i>the Adversary Proceeding and Memorandum of Law in Support Thereof</i> Fee Amount \$150 filed by Defendant The Southern Company) <i>Plaintiffs Memorandum of Law in Opposition to Motion of The Southern Company for Withdrawal of Reference</i> filed by Plaintiffs Mirant Corporation, Official Committee of Unsecured Creditors of Mirant Corporation (Brookner, Jason)
08/15/2005	● <u>16</u> Support/supplemental document <i>Appendix of Exhibits in Support Volume I of II</i> filed by Plaintiffs Mirant Corporation, Official Committee of Unsecured Creditors of Mirant Corporation (RE: related document(s) <u>15</u> Objection,). (Attachments: # <u>1</u> Tabs A-1 through A-3# <u>2</u> Tab B Part One# <u>3</u> Tab B Part Two# <u>4</u> Tab B Part Three# <u>5</u> Tab B Part Four# <u>6</u> Tab B Part Five# <u>7</u> Tab B Part Six# <u>8</u> Tab B Part Seven# <u>9</u> Tab B Part Eight# <u>10</u> Tab B Part Nine# <u>11</u> Tab B Part Ten# <u>12</u> Tab B Part Eleven# <u>13</u> Tab B Part Twelve# <u>14</u> Tab B Part Thirteen# <u>15</u> Tab B Part Fourteen# <u>16</u> Tab B Part Fifteen) (Brookner, Jason)

08/15/2005	<p>●<u>17</u> Support/supplemental document <i>Appendix of Exhibits in Support Volume II of II</i> filed by Plaintiffs Mirant Corporation, Official Committee of Unsecured Creditors of Mirant Corporation (RE: related document(s)<u>15</u> Objection,). (Attachments: # (1) Tab C Part One# <u>2</u> Tab C Part Two# <u>3</u> Tab C Part Three# <u>4</u> Tab C Part Four# <u>5</u> Tab C Part Five# <u>6</u> Tab C Part Six# <u>7</u> Tab C Part Seven# <u>8</u> Tab D Part One# <u>9</u> Tab D Part Two# <u>10</u> Tab D Part Three# <u>11</u> Tab D Part Four# <u>12</u> Tab D Part Five# <u>13</u> Tab D Part Six# <u>14</u> Tab D Part Seven) (Brookner, Jason)</p>
08/17/2005	<p>●<u>18</u> Answer to complaint filed by The Southern Company. (Acosta, Hirtzan)</p>
08/18/2005	<p>●<u>19</u> Motion for leave <i>Expedited Motion for Entry of an Order Setting Scheduling Conference</i> Filed by Plaintiffs Mirant Corporation, Official Committee of Unsecured Creditors of Mirant Corporation (Attachments: # <u>1</u> Exhibit A# <u>2</u> Proposed Order) (Peck, Ian)</p>
08/19/2005	<p>●<u>20</u> Witness and Exhibit List <i>for Hearing on August 24, 2005</i> filed by Plaintiffs Mirant Corporation, Official Committee of Unsecured Creditors of Mirant Corporation (RE: related document(s)<u>9</u> Motion for withdrawal of reference of <i>the Adversary Proceeding and Memorandum of Law in Support Thereof</i> Fee Amount \$150). (Brookner, Jason)</p>
08/22/2005	<p>●<u>21</u> Order denying motion for leave (related document # <u>19</u>) Entered on 8/22/2005. (Jordan, D)</p>
08/22/2005	<p>●<u>22</u> Affidavit by Angharad Bowdler of Mailing by Bankruptcy Services LLC filed by Plaintiff Mirant Corporation (RE: related document(s)<u>19</u> Motion for leave <i>Expedited Motion for Entry of an Order Setting Scheduling Conference</i>). (Peck, Ian)</p>
08/22/2005	<p>●<u>23</u> Notice of Filing in the District Court of Reply of The Southern Company to Plaintiff's Memorandum of Law in Opposition to Southern's Motion for Withdrawal of Reference of the Adversary Proceeding filed by Defendant The Southern Company. (Winikka, Daniel)</p>
08/23/2005	<p>●<u>24</u> List <i>Agenda of Matters Scheduled for Hearings August 24, 2005</i> filed by Plaintiff Mirant Corporation (RE: related document(s)<u>9</u> Motion for withdrawal of reference of <i>the Adversary Proceeding and Memorandum of Law in Support Thereof</i> Fee Amount \$150). (Attachments: # <u>1</u> CalPX Service List# <u>2</u> Wyandotte Service List) (Peck, Ian)</p>
08/24/2005	<p>●<u>25</u> BNC certificate of mailing - PDF document. (RE: related document(s)<u>21</u> Order on motion for leave) No. of Notices: 5. Service Date 08/24/2005. (Admin.)</p>
08/26/2005	<p>●<u>26</u> Court admitted exhibits date of hearing 8/24/05 (related document(s)<u>9</u>) (Hunsuckle, J)</p>
09/01/2005	<p>●<u>27</u> Report and recommendation on Motion to Withdraw Reference to the U.S.</p>

	District Court by U.S. Bankruptcy Judge. (related document(s)9) (Hunsuckle, J)
09/01/2005	28 Forms (misc) (Hunsuckle, J)
09/01/2005	● <u>29</u> Notice of Transmission of Report and Recommendation Re: Motion to Withdraw Reference re: Civil Case #4-05CV-479-A (related document(s) <u>27</u>) (Hunsuckle, J) (Entered: 09/02/2005)
09/02/2005	● <u>30</u> Affidavit by Diane Streany of Mailing by Bankruptcy Services LLC filed by Plaintiff Mirant Corporation (RE: related document(s) <u>23</u> Notice (generic), Notice (generic)). (Peck, Ian)
09/03/2005	● <u>31</u> BNC certificate of mailing - PDF document. (RE: related document(s) <u>27</u> Report and recommendation) No. of Notices: 5. Service Date 09/03/2005. (Admin.)
09/04/2005	● <u>32</u> BNC certificate of mailing - PDF document. (RE: related document(s) <u>29</u> Notice of transmission of motion to withdraw reference) No. of Notices: 6. Service Date 09/04/2005. (Admin.) (Entered: 09/05/2005)
10/10/2005	● <u>33</u> Transcript of hearing held 08/24/2005 (RE: related document(s)9 Motion for withdrawal of reference <i>of the Adversary Proceeding and Memorandum of Law in Support Thereof</i> Fee Amount \$150 filed by Defendant The Southern Company (Attachments: # (1) Exhibit A# (2) Exhibit B# (3) Exhibit C# (4) Exhibit D# (5) Exhibit E) (Jud, Robert) filed by Defendant The Southern Company). (Rehling, Kathy)
01/06/2006	● <u>34</u> INCORRECT ENTRY, Wrong event code used, See # 35. Motion to substitute attorney with <i>MC Asset Recovery, LLCs Motion to Substitute as Plaintiff</i> filed by Plaintiff MC Asset Recovery, LLC (Attachments: # <u>1</u> Proposed Order) (Brookner, Jason) Modified on 1/9/2006 (Maldino, Mark).
01/06/2006	● <u>35</u> Motion to Substitute MC Asset Recovery as Plaintiff for Mirant Corp. in this Adv. filed by MC Asset Recovery, LLC. w c/s (Maldino, Mark) Additional attachment(s) added on 1/9/2006 (Maldino, Mark). (Entered: 01/09/2006)
01/09/2006	Motions terminated. (# 34 terminated per # 35) (Maldino, Mark)
01/12/2006	● <u>36</u> Memorandum opinion and Order Signed by Judge McBryde on January 10, 2006 Entered on 1/12/2006 (RE: related document(s)9 Motion for withdrawal of reference, filed by Defendant The Southern Company). (Hunsuckle, J)
01/13/2006	● <u>37</u> Support/supplemental document <i>Exhibit A to Motion</i> filed by Plaintiff MC Asset Recovery, LLC (RE: related document(s) <u>35</u> Motion by MC Asset Recovery, LLC.). (Brookner, Jason)